

REMARKS

Claims 1-75 were originally pending in the present application. In response to a previous restriction requirement, the Applicants withdrew claims 2, 3, 19-24, 26-30, 33-35, 42, 43, 59-64, 66-70, and 73-75 from consideration. In the instant action, the Examiner has withdrawn claims 16-18 and 56-58 as allegedly being directed to a non-elected species. The Applicants reserve the right to have claims 16-18 and 56-58 considered in the event that the generic claims are allowed. The Examiner has objected to the Abstract as exceeding the maximum allowed length. The Applicants have amended the Abstract in compliance with MPEP §608.01(b).

Currently, claims 1, 4-15, 25, 31, 32, 36-41, 44-55, 65, 71, and 72 are presented for examination. Of these, claims 1, 4-9, 13, 41, 44-49, and 53 stand rejected under 35 U.S.C. §102(e) as allegedly being anticipated by U.S. Patent No. 6,154,753 issued to McFarland. Further, claims 10-12, 14, 15, 25, 31, 32, 36-40, 50-52, 54, 55, 65, 71, and 72 have been rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over McFarland as applied to claims 5, 9, 13, 45, 49, and 53. Claims 4, 31, 32, 38, 44, 71, and 72 have been canceled. Claims 1, 5, 25, 36, 39-41, 45, and 65 have been amended. New claims 76-82 have been added. The Applicants submit that claims 1, 5-15, 25, 36, 37, 39-41, 45-55, 65, and 76-82 are in condition for allowance and respectfully request reconsideration of the outstanding rejections.

Rejections under 35 U.S.C. §102

Claims 1, 4-9, 13, 41, 44-49, and 53 stand rejected under 35 U.S.C. §102(e) as allegedly being anticipated by U.S. Patent No. 6,154,753 issued to McFarland. To anticipate a claim under 35 U.S.C. §102, a single source must contain all of the elements of the claim. *Lewmar Marine Inc. v. Barient, Inc.*, 827 F.2d 744, 747, 3 U.S.P.Q.2d 1766, 1768 (Fed. Cir. 1987), *cert. denied*, 484 U.S. 1007 (1988). Missing elements may not be supplied by the knowledge of one skilled in the art or the disclosure of another reference. *Titanium Metals Corp. v. Banner*, 778 F.2d 775, 780, 227 U.S.P.Q. 773, 777

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(Fed. Cir. 1985). The Applicants traverse the rejections for at least the reasons presented herein. McFarland does not teach or suggest each and every element of Applicants' amended claims 1 and 41.

Applicants amended claims 1 and 41 recite, respectively, a method and storage medium for facilitating supplier auditing functions in a communications network environment, comprising:

“receiving a request from a user system associated with an enterprise system to initiate an activity, said activity including scheduling an audit for performing an initial or ongoing qualification of a supplier enterprise;

said enterprise system retrieving data from at least one database, said data corresponding to said activity selected; and

transmitting said data to said user system;

wherein said enterprise system includes a quality information network application for executing activity options.”

McFarland does not teach these features. McFarland is directed to a system and method “for complying with the requirements of a quality standard known as ISO 9000” (Abstract). Specifically, McFarland teaches a system that “enables an organization to carry on its business activities in accordance with the requirements of quality standards” (col. 1, lines 23-25). ISO 9000 provides a means for a company to prove compliance with ISO standards via self-auditing and certification (col. 2, lines 15-21). Accordingly, McFarland teaches that a company seeking compliance with ISO 9000 standards perform self-audits using the modules outlined in McFarland, namely, document management, training management, meetings and reports, and audit management (FIGs. 1-7). The activities conducted via these modules are performed by the company agents in furtherance of performing self-audits. Support for this may be found throughout the specification including Figure 1 which illustrates a company-oriented system architecture, and does not suggest a network application other than one that is internal to the company. Additional support includes, but is not limited to language in the specification describing the implementation of the foregoing modules (e.g., the project planning document

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“provides a mechanism by which an organization can satisfy the ISO 9000 requirements for quality planning and productively manage a longer-term project at the same time” (col. 19, lines 61-64); e.g., the process improvement request database “is designed to facilitate process improvement throughout an organization...provides useful information to management teams about recurring issues and suggestions” (col. 22, lines 45-50)). Moreover, the audit activities taught by McFarland are directed to internal operations. For example, McFarland recites a process auditing management database that “houses all internal process audit information” (col. 23, lines 66-67). Thus, the audit schedules recited by McFarland relate to internal, or self-conducted audits by an organization. Further support may be found in column 24 which states “[t]he audit planning database offers the ability to design and store checklists for various audits, manage internal audit findings...and automatically manage the internal audit schedule” (col. 24, lines 6-9).

Contrary to McFarland, Applicants’ claims 1 and 41 recite “facilitating *supplier auditing functions* in a communications network environment, comprising: “receiving a request from a user system associated with an enterprise system to initiate an activity, said activity including scheduling an audit for performing an initial or ongoing qualification of a supplier enterprise” (emphasis added). The auditing functions as recited in Applicants’ claims 1 and 41 are performed by an enterprise seeking to qualify a supplier enterprise and are not self-conducted audits in furtherance of complying with ISO 9000 as taught by McFarland. For at least these reasons, the Applicants submit that claims 1 and 41 are not anticipated by McFarland. Claims 4 and 44 have been canceled. Claims 5-9 and 13 depend from what is an allowable claim 1. Claims 45-49 and 53 depend from what is an allowable claim 41. For at least these reasons, the Applicants submit that claims 1, 5-9, 13, 41, 45-49, and 53 are in condition for allowance. Reconsideration of the outstanding rejections is respectfully requested.

Rejections under 35 U.S.C. §103

Claims 10-12, 14, 15, 25, 31, 32, 36-40, 50-52, 54, 55, 65, 71, and 72 have been rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over McFarland as applied to claims 5, 9, 13, 45, 49, and 53. Claims 5, 9, and 13 depend from what is an allowable claim 1. Claims 45, 49, and 53 depend from what is an allowable claim 41. As indicated above with respect to claims 1 and 41, the Applicants' claims 5, 9, 13, 45, 49, and 53 are not anticipated by McFarland. Accordingly, the Applicants submit that claims 10-12, 14, 15, which depend from claim 1, and claims 50-52, 54, and 55 which depend from claim 41 are also in condition for allowance. The Applicants respectfully request reconsideration of the outstanding rejections of claims 10-12, 14, 15, 50-52, 54, and 55.

Applicants' claims 25, 36, and 65 recite a method, system, and storage medium, respectively, for facilitating supplier auditing functions. Claims 25, 36, and 65 have been amended in a manner similar to the amendments described above with respect to claims 1 and 41. For at least the reasons presented above with respect to claims 1 and 41, the Applicants submit that amended claims 25, 36, and 65 are in condition for allowance. Claims 31, 32, 38, 71, and 72 have been canceled rendering the objections moot. Claims 37, 39, and 40 depend from what is an allowable claim 36 and, for at least this reason, are in condition for allowance. The Applicants respectfully request reconsideration of the rejections of claims 10-12, 14, 15, 25, 36, 37, 39, 40, 50-52, 54, 55, and 65.

New claims 76-82 depend from what is an allowable claim 36. For at least this reason, the Applicants submit that new claims 76-82 are in condition for allowance.

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CONCLUSION

No new matter has been entered and no additional fees are believed to be required. However, if any fees are due with respect to this Amendment, please charge them to Deposit Account No. 50-0150 maintained by Applicants' Assignee.

Respectfully submitted,

CANTOR COLBURN LLP

By: Marisa J. Dubuc
Marisa J. Dubuc
Registration No. 46,673
Customer No. 48915

Date: January 18, 2005
Address: 55 Griffin Road South, Bloomfield, CT 06002
Telephone: (860) 286-2929

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